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C O N F I D E N T I A L SECTION 01 OF 02 STATE 084902

SIPDIS

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TAGS: [KCRM](#) [PGOV](#) [RS](#) [SOCI](#)

SUBJECT: U.S.-RUSSIA DIALOGUE ON AREAS OF RULE OF LAW
RELEVANT TO ANTI-CORRUPTION AND LAW ENFORCEMENT

Classified By: EUR A/S Dan Fried, reasons 1.4 (b) and (d)

11. (U) This is an action request. See para 7.

SUMMARY

12. (SBU) Department requests Post relay the proposal in para 7 to the Russian government to establish a government-to-government dialogue on areas of rule of law relevant to anti-corruption and law enforcement with the Russian Federation. The purpose of this dialogue would be to engage the Russian Federation at both a policy and an expert/practitioner level on combating organized crime and corruption at the global, regional and bilateral levels. The dialogue could also cover law enforcement cooperation, exchange experiences and best practices, and discuss other areas for potential collaboration. (Operational cooperation on specific cases would remain in established law enforcement and mutual legal assistance channels.) We believe establishing such a dialogue might further the GOR,s stated goals of improving the rule of law and combating corruption. End Summary.

BACKGROUND

13. (C) USG agencies believe the time is ripe to pursue a government-to-government dialogue on areas of rule of law relevant to anti-corruption and law enforcement. President Medvedev has articulated and begun to pursue several measures to shore up rule of law and combat corruption in order to create conditions necessary to modernize Russia,s economy and foster innovation. While many of the statements and measures may be mere rhetoric with political or other motivations, there clearly is a certain momentum to the new campaign to combat 'legal nihilism' and corruption.

14. (U) On the multilateral front, Russia has become a State Party to the UN Convention against Corruption. Russia is also moving toward OECD accession, which will require ratifying the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (Anti-Bribery Convention). The G-8 has also made a series of commitments to address corruption.

15. (C) Agencies have noted and appreciate Embassy reporting on various domestic measures recently undertaken to address Russian shortcomings in law enforcement and corruption. For example, President Medvedev created a council on corruption under which the head of Presidential Administration Sergey Naryshkin leads an interagency task force on corruption. The council has developed a national plan to combat corruption, recently approved by the President. Agencies ranging from the Ministry of Interior to the Procuracy and its Investigative Committee have created special new units to deal with corruption. The Duma has created a special committee to provide expertise and advice on legislation related to corruption and may take up comprehensive

legislation by October of this year. Law enforcement authorities across the country have carried out a number of prosecutions of officials ranging from lower level bureaucrats and law enforcement authorities to mayors and governors. Small and medium-sized businesses have come together to create an organization 'Business Solidarity' to help businesses navigate the Russian bureaucracy, establish contacts with government and non-governmental entities on corruption, and work with civil society.

PROPOSAL FOR DIALOGUE ON ASPECTS OF RULE OF LAW RELEVANT TO
ANTI-CORRUPTION AND LAW ENFORCEMENT

¶6. (U) Department requests Post relay at an appropriate level a proposal to the Russian government to open a government-to-government dialogue on areas of rule of law relevant to anti-corruption and law enforcement with the Russian Federation.

¶7. (U) Begin Text of Proposal:

--We have noted with interest recent statements and initiatives by President Medvedev and other Russian government officials aimed at further developing rule of law in Russia and addressing problems, such as corruption and a weak judicial system.

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--The U.S. values our relationship with Russia in the area of rule of law programs under the U.S.-Russia 2003 Letter of Agreement. We have worked along with Russia on crime and corruption issues in the G8, United Nations and other fora.

--We would like to propose opening a government-to-government dialogue on areas of rule of law relevant to anti-corruption and law enforcement between our governments.

--The objective of the dialogue would be to deepen and build upon our current cooperation by establishing a routine discussion of these issues at the policy and expert/practitioner level beyond established channels for mutual legal assistance.

--We propose to focus on concrete problems both our governments face to improve law enforcement and anti-corruption measures, exchange experiences and best practices, and explore areas for deeper collaboration.

--Operational cooperation on specific cases would remain within established law enforcement and mutual legal assistance channels.

--In terms of participation, the USG proposes it be co-led for the United States by International Narcotics and Law Enforcement Deputy Assistant Secretary Elizabeth Verville and Deputy Assistant Attorney General Bruce Swartz of the Criminal Division of the Department of Justice and their Russian counterparts. It could include representatives from other relevant offices of the State Department, United States Agency for International Development (USAID), the Department of Justice, other Departments and offices as appropriate and the National Security Council staff and their Russian equivalents.

--We would welcome your response to this proposal, including how such a dialogue could be established and operate, its framework, topics for discussion, and possible outcomes. We would especially ask our colleagues who head the Ministry of Foreign Affairs Department of New Threats and Challenges to consider seriously this proposal in the spirit that has marked our close cooperation to date.

--Should the Russian side be amenable, we would propose opening the dialogue in Moscow or the United States this fall. We could decide together at that time about topics for

future sessions of the dialogue.

--We would propose focusing on anti-corruption measures at the first meeting for two reasons: we would like to cooperate closely with Russia during the lead up to the Fourth Conference of States Parties of the UN Convention against Corruption (UNCAC) to be held in Doha in 2009; and we note the desire of President Medvedev for the GOR to work with other governments to implement its recent anti-corruption initiatives, including its implementation of UNCAC.

END PROPOSAL.

POINT OF CONTACT

18. (SBU) Post should report response by cable to EUR/RUS Howard Solomon or contact him at (202) 647-6763 or via e-mail for any necessary further background information.

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